

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

WADE MARKS, JR., )  
Plaintiff, )  
v. ) CIVIL ACTION NO. 5:16-CV-110 (MTT)  
MILLER-MOTTE TECHNICAL )  
COLLEGE, )  
Defendant. )  
\_\_\_\_\_  
)

ORDER

The Court previously granted the Plaintiff's motion to proceed *in forma pauperis* and ordered him to amend his complaint in lieu of dismissing the case.<sup>1</sup> (Doc. 4). In his initial complaint, the Plaintiff claimed that he had been discriminated against based on his "disabilities" in violation of the Americans with Disabilities Act ("ADA"), alleging that he "gave them copies of [his] medical papers and accommodations[, but] they didn't help with any accommodations, it was just put to the side." (Doc. 1 at 2-3). The Plaintiff makes clear in his amended complaint that he was (or is) a student at Miller-Motte Technical College, rather than an employee, and that he requested an accommodation for his learning disability but the Defendant allegedly refused to provide him with one. (Doc. 7). Liberally construing the amended complaint, the Court cannot find that it fails to state a claim under Title III of the ADA or Section 504 of the Rehabilitation Act.

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<sup>1</sup> Because the Plaintiff is proceeding *in forma pauperis*, the Court is required to dismiss the case if it (1) is frivolous or malicious, (2) fails to state a claim upon which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(b). Dismissal under § 1915(e)(2)(B)(ii) for failure to state a claim is governed by the same standard as a dismissal pursuant to Federal Rule of Civil Procedure 12(b)(6). *Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir.1997). Because the Plaintiff is proceeding pro se, however, his "pleadings are held to a less stringent standard than pleadings drafted by attorneys and will, therefore, be liberally construed." *Boxer X v. Harris*, 437 F.3d 1107, 1110 (11th Cir. 2006) (citations omitted).

Accordingly, the Court **ORDERS** service on the Defendant by the United States Marshal Service.

**SO ORDERED**, this 2nd day of August, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT